

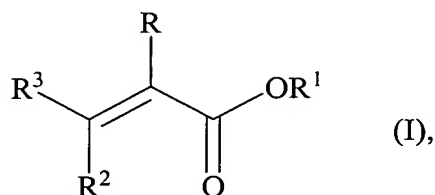
IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A functional fluid comprising

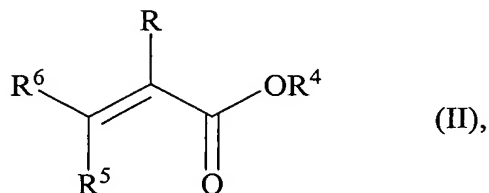
A) 1 to ~~99~~ 45 % by weight based on the total weight of the functional fluid of one or more alkyl(meth)acrylate polymers obtainable by polymerizing a mixture of olefinically unsaturated monomers, which comprises

a) 1-100 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R¹ means a linear or branched alkyl residue with 1-6 carbon atoms, R² and R³ independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or an alkyl group with 1-6 carbon atoms,

b) 0-99 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R⁴ means a linear or branched alkyl residue with 7-40 carbon atoms, R⁵ and R⁶ independently are hydrogen or a group of

the formula -COOR", where R" means hydrogen or an alkyl group with 7-40 carbon atoms, and

c) 0-50 wt% based on the total weight of the ethylenically unsaturated monomers of one or more comonomers,

and

B) ± 55 to 99% by weight based on the total weight of the functional fluid of at least one oxygen containing compound selected from the group consisting of carboxylic acid esters, polyether polyols and organophosphorus compounds, wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 or Group 2

rating.

Claim 2 (Original): The functional fluid according to claim 1, wherein the oxygen containing compound has a fire point according to ASTM D 92 of at least 250 °C.

Claim 3 (Original): The functional fluid according to claim 1 or 2, wherein the oxygen containing compound has a kinematic viscosity at 40°C according to ASTM D 445 of 35 mm²/s or less.

Claim 4 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is a carboxylic ester containing at least two ester groups.

Claim 5 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is a diester of carboxylic acids containing 4 to 12 carbon atoms.

Claim 6 (Currently Amended): The functional fluid according to claim 5, wherein the the diester is a an ester of at least one selected from the group consisting of adipic, azelaic, sebacic, phthalate and dodecanoic acids.

Claim 7 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is an ester of a polyol.

Claim 8 (Original): The functional fluid according to claim 7, wherein the polyol comprises 4 to 22 carbon atoms.

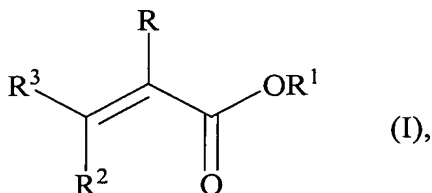
Claim 9 (Original): The functional fluid according to claim 8, wherein the ester is a ester of neopentyl glycol, diethylene glycol, dipropylene glycol, trimethanol propane, or pentaerythritol.

Claim 10 (Previously Presented): The functional fluid according to claim 1, wherein the oxygen containing compound is a polyalkylene glycol.

Claim 11 (Original): The functional fluid according to claim 10, wherein the polyether polyol is based on butylene oxide.

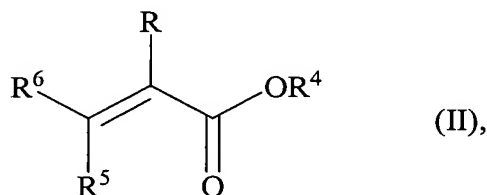
Claim 12 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers have a molecular weight in the range of 300 g/mol to 50 000 g/mol.

Claim 13 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising 15-70 wt% of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R¹ means a linear or branched alkyl residue with 1-6 carbon atoms, R² and R³ independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or an alkyl group with 1-6 carbon atoms.

Claim 14 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising 30-85 wt% of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R⁴ means a linear or branched alkyl residue with 7-40 carbon atoms, R⁵ and R⁶ independently are hydrogen or a group of the formula -COOR'', where R'' means hydrogen or an alkyl group with 7-40 carbon atoms.

Claim 15 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising dispersant monomers.

Claim 16 (Previously Presented): The functional fluid according to claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising vinyl monomers containing aromatic groups.

Claim 17 (Previously Presented): The functional fluid according to claim 1, wherein the weight ratio of the alkyl(meth)acrylate polymers to the oxygen containing compound is in the range of 2:1 to 1:10.

Claim 18 (Previously Presented): A hydraulic oil comprising the functional fluid according to claim 1.

Claim 19 (Previously Presented): The hydraulic oil according to claim 18, wherein the hydraulic oil comprises at least 20% by weight of the functional fluid according to claim 1.

Claim 20 (Previously Presented): The use of a functional fluid according to claim 1 to improve the fire resistance of hydraulic fluids, transformer oils and quench oils.

Claim 21 (Original): The use according to claim 20, wherein the hydraulic fluid is an anhydrous fluid.

Claim 22 (Previously Presented): A method for the manufacture of the functional fluid according to claim 1, wherein a mixture of olefinically unsaturated monomers is polymerized in a fluid of an oxygen containing compound according to component B).

Claim 23 (Previously Presented): The functional fluid according to Claim 1, having a kinematic viscosity at 40°C according to ASTM D 445 of from 28 mm²/s to 110 mm²/s.

Claim 24 (Previously Presented): The functional fluid according to Claim 1, having a pour point according to ASTM D 97 of -40°C or less.

Claim 25 (Previously Presented): The functional fluid according to Claim 1, having a fire point according to ASTM D 92 of at least 300°C.

Claim 26 (Canceled)

Claim 27 (Previously Presented): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises from 34 to 90 wt.% of methyl(meth)acrylate.

Claim 28 (Previously Presented): The functional fluid according to Claim 27, wherein the alkyl(meth)acrylate polymer consists of monomers a), b), and c).

Claim 29 (Previously Presented): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises copolymerized units of octadecenoic acid, lauryl methacrylate, and methyl methacrylate.

Claim 30 (Previously Presented): The functional fluid according to Claim 1, wherein the oxygen containing compound is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, and propylene glycol dioleate.

Claim 31 (New): The functional fluid of Claim 1, wherein B) is present in an amount of 59.7 to 99% by weight based on the total weight of A) and B).

Claim 32 (New): The functional fluid according to Claim 1, wherein B) is present in an amount of 70 to 99% by weight based on the total weight of A) and B).

Claim 33 (New): The functional fluid according to Claim 1, wherein B) is present in an amount of 79.7 to 99% by weight based on the total weight of A) and B).

Claim 34 (New): The functional fluid according to Claim 1, wherein B) is present in an amount of 80 to 99% by weight based on the total weight of A) and B).

Claim 35 (New): The functional fluid according to Claim 1, consisting of A) and B).

Claim 36 (New): The functional fluid according to Claim 1, wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 rating.

Claim 37 (New): The functional fluid according to Claim 1, wherein the functional fluid consists of A) and B), the alkyl(meth)acrylate polymer comprises from 34 to 90 wt.% of methyl(meth)acrylate, and B) is present in an amount of 80 to 99% by weight based on the total weight of A) and B),

wherein the functional fluid can achieve a Factory Mutual 6390 Group 1 rating, and

wherein B) is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, and propylene glycol dioleate.

Claim 38 (New): The functional fluid of Claim 1 which is fire resistant.